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14 *Attorneys for Plaintiff,*
15 *Linda O'Connor*

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF ARIZONA

18 Linda O'Connor,

19 Plaintiff,

20 vs.

21 Navient Solutions, LLC,
22 a foreign L.L.C., and
23 Equifax Information Services, LLC
24 a Georgia corporation,

25 Defendants.

Case No.:

COMPLAINT

JURY TRIAL DEMAND

1 NOW COMES THE PLAINTIFF, LINDA O’CONNOR, BY AND THROUGH
2 COUNSEL, TRINETTE G. KENT, and for her Complaint against the Defendants,
3
4 pleads as follows:

5 **JURISDICTION**

- 6
7 1. Jurisdiction of this court arises under 15 U.S.C. §1681p.
8
9 2. This is an action brought by a consumer for violations of the Fair Credit
10 Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).

11 **VENUE**

- 12
13 3. The transactions and occurrences which give rise to this action occurred in the
14 City of Glendale, Maricopa County, Arizona.
15
16 4. Venue is proper in the District of Arizona, Phoenix Division.

17 **PARTIES**

- 18
19 5. The Defendants to this lawsuit are:
20 a. Navient Solutions, LLC (“Navient”), which is a foreign L.L.C. that
21 maintains a registered agent in Maricopa County, Arizona; and
22
23 b. Equifax Information Services, LLC (“Equifax”), which is a Georgia
24 corporation that maintains a registered agent in Maricopa County,
25 Arizona.
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GENERAL ALLEGATIONS

6. Navient is reporting its trade lines (“Errant Trade Lines”) on Plaintiff’s Equifax credit file with an incorrect balance, past due amount, and an incorrect pay status of “Charged Off Account.”
7. All of this information is false as Mrs. O’Connor included the accounts that are the subject of the Errant Trade Lines in her Chapter 7 Bankruptcy.
8. Mrs. O’Connor cosigned for two personal loans for her daughter with Sallie Mae in 2005 and 2008.
9. In February 2010, Mrs. O’Connor filed Chapter 7 Bankruptcy, and it was discharged in June 2010.
10. In October 2012, Mrs. O’Connor’s bankruptcy attorney sent a letter to Integrity Financial Partners, Inc., which had the two loans at that time, stating that the loans were discharged in her bankruptcy.
11. On or about April 25, 2017, Mrs. O’Connor obtained her credit files and noticed that Navient was reporting the Errant Trade Lines.
12. On or about May 10, 2017, Linda O’Connor submitted a letter to Equifax, disputing the Errant Trade Lines.
13. Upon information and belief, Equifax forwarded Mrs. O’Connor’s dispute to Navient.

1 14. Mrs. O'Connor did not receive reinvestigation results from Equifax. On or
2 about June 21, 2017, Mrs. O'Connor obtained her Equifax credit file, which
3 showed that Navient continued to report the Errant Trade Lines.
4

5 15. As a direct and proximate cause of the Defendants' negligent and/or willful
6 failure to comply with the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*,
7 Plaintiff has suffered credit and emotional damages. Due to the Defendants'
8 failure to correct the errors in her credit file, Plaintiff has been forced to refrain
9 from applying for new credit or more favorable terms on existing credit lines.
10 Plaintiff has also experienced undue stress and anxiety due to Defendants'
11 failure to correct the errors in her credit file or improve her financial situation
12 by obtaining new or more favorable credit terms as a result of the Defendants'
13 violations of the FCRA.
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17 **COUNT I**

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19 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**
20 **BY NAVIENT**

21 16. Plaintiff realleges the above paragraphs as if recited verbatim.

22 17. After being informed by Equifax of Mrs. O'Connor's consumer dispute of the
23 incorrect balance, past due amount, and incorrect pay status of the Errant Trade
24 Lines, Navient negligently failed to conduct a proper investigation of Mrs.
25 O'Connor's dispute as required by 15 USC 1681s-2(b).
26
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1 18.Navient negligently failed to review all relevant information available to it and
2 provided by Equifax in conducting its investigation as required by 15 USC
3 1681s-2(b), and failed to direct Equifax to correct the balance, past due amount,
4 and incorrect pay status of the Errant Trade Lines.
5

6 19.The Errant Trade Lines are inaccurate and creating a misleading impression on
7 Mrs. O'Connor's consumer credit file with Equifax to which it is reporting such
8 trade lines.
9

10 20.As a direct and proximate cause of Navient's negligent failure to perform its
11 duties under the FCRA, Mrs. O'Connor has suffered damages, mental anguish,
12 suffering, humiliation, and embarrassment.
13

14 21.Navient is liable to Mrs. O'Connor by reason of its violations of the FCRA in
15 an amount to be determined by the trier fact together with reasonable attorneys'
16 fees pursuant to 15 USC 1681o.
17

18 22.Mrs. O'Connor has a private right of action to assert claims against Navient
19 arising under 15 USC 1681s-2(b).
20

21
22 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment
23 against the Defendant Navient for damages, costs, interest, and attorneys' fees.
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27 **COUNT II**
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**WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY NAVIENT**

23. Plaintiff realleges the above paragraphs as if recited verbatim.

24. After being informed by Equifax that Mrs. O'Connor disputed the accuracy of the information it was providing, Navient willfully failed to conduct a proper reinvestigation of Mrs. O'Connor's dispute.

25. Navient willfully failed to review all relevant information available to it and provided by Equifax as required by 15 USC 1681s-2(b), and failed to direct Equifax to correct the balance, past due amount and incorrect pay status of the Errant Trade Lines.

26. As a direct and proximate cause of Navient's willful failure to perform its duties under the FCRA, Mrs. O'Connor has suffered damages, mental anguish, suffering, humiliation, and embarrassment.

27. Navient is liable to Mrs. O'Connor for either statutory damages or actual damages she has sustained by reason of its violations of the FCRA in an amount to be determined by the trier of fact, together with an award of punitive damages in the amount to be determined by the trier of fact, as well as for reasonable attorneys' fees and she may recover therefore pursuant to 15 USC 1681n.

WHEREFORE, PLAINTIFF PRAYS that this court grants her a judgment against the Defendant Navient for the greater of statutory or actual damages, plus punitive damages, along with costs, interest, and attorneys' fees.

COUNT III

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY EQUIFAX**

28.Plaintiff realleges the above paragraphs as if recited verbatim.

29.Defendant Equifax prepared, compiled, issued, assembled, transferred,
published, and otherwise reproduced consumer reports regarding Mrs.
O'Connor as that term is defined in 15 USC 1681a.

30.Such reports contained information about Mrs. O'Connor that was false,
misleading, and inaccurate.

31.Equifax negligently failed to maintain and/or follow reasonable procedures to
assure maximum possible accuracy of the information it reported to one or
more third parties pertaining to Mrs. O'Connor, in violation of 15 USC
1681e(b).

32. After receiving Mrs. O'Connor's consumer dispute to the Errant Trade Lines,
Equifax negligently failed to conduct a reasonable reinvestigation as required
by 15 U.S.C. 1681i.

33.As a direct and proximate cause of Equifax's negligent failure to perform its
duties under the FCRA, Mrs. O'Connor has suffered actual damages, mental
anguish and suffering, humiliation, and embarrassment.

1 34. Equifax is liable to Mrs. O'Connor by reason of its violation of the FCRA in an
2 amount to be determined by the trier of fact together with her reasonable
3 attorneys' fees pursuant to 15 USC 1681o.
4

5 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment
6 against Equifax for actual damages, costs, interest, and attorneys' fees.
7

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9 **COUNT IV**

10 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**
11 **BY EQUIFAX**

12 35. Plaintiff realleges the above paragraphs as if recited verbatim.

13 36. Defendant Equifax prepared, compiled, issued, assembled, transferred,
14 published, and otherwise reproduced consumer reports regarding Mrs.
15 O'Connor as that term is defined in 15 USC 1681a.
16

17 37. Such reports contained information about Mrs. O'Connor that was false,
18 misleading, and inaccurate.
19

20 38. Equifax willfully failed to maintain and/or follow reasonable procedures to
21 assure maximum possible accuracy of the information that it reported to one or
22 more third parties pertaining to Mrs. O'Connor, in violation of 15 USC
23 1681e(b).
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1 39. After receiving Mrs. O'Connor's consumer dispute to the Errant Trade Lines,
2 Equifax willfully failed to conduct a reasonable reinvestigation as required by
3 15 U.S.C. 1681i.
4

5 40. As a direct and proximate cause of Equifax's willful failure to perform its duties
6 under the FCRA, Mrs. O'Connor has suffered actual damages, mental anguish
7 and suffering, humiliation, and embarrassment.
8

9 41. Equifax is liable to Mrs. O'Connor by reason of its violations of the FCRA in
10 an amount to be determined by the trier of fact together with her reasonable
11 attorneys' fees pursuant to 15 USC 1681n.
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13 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment
14 against Defendant Equifax for the greater of statutory or actual damages, plus punitive
15 damages along with costs, interest, and reasonable attorneys' fees.
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18 **JURY DEMAND**

19 Plaintiff hereby demands a trial by Jury.
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22 DATED: June 28, 2017
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26 KENT LAW OFFICES
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By: /s/ Trinette G. Kent
Trinette G. Kent
Attorneys for Plaintiff,
Linda O'Connor

